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Chapter VIII

Dissolution of Marriage

§ 1. BY DEATH

Marriages of widows and widowers are looked upon by all Caucasians as inferior to nuptials between partners who have never been married before. For example, the bride price for a widow is smaller than that for a maiden,[1] except among the Nazranian Chechens and the Ingiloi of Sakataly; or again, the very marriage ceremonies are simplified when one of the partners happens to be a widow or widower.[2] The Pshavs[3] and the Khevsurs[4] consider a second marriage shameful if the widow has a child, especially, as is the case with the Khevsurs, a son. Our present problem is: Are there any indications in ancient customary law that at one time not even death could dissolve the marriage bond?

1. Suttee

The custom of committing suttee on the funeral pyre was very probably a relatively widespread custom in the Caucasus in ages past. The funeral rites of today still bear traces of widows being burnt together with their husbands' corpses.[5] Al-Mas'ûdî, in his "Golden Meadows and Mines of Precious Stones" (A.D. 943) mentions that the Khazars of Caucasus "burn the dead with their cattle, instruments, and ornaments. If the husband dies, the wife is burnt alive together with the corpse of her husband."[6] An example of what might be a survival of widow cremation is the now meaningless but constantly repeated wail of the Ossetine widow, "I'll kill myself and cast myself into the fire," mentioned by Gatiev in his "Beliefs and Prejudices of the Ossetes."[7] Another possible vestige of former suttee is the custom of burying a plait of the widow's hair together with the corpse of her husband. Herodotus expressly mentions (ch. v.) that the Scythian women were eager to be immolated on the grave of their husbands. The probable existence of widow cremation in the

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[1] Cf. *supra*, Table, p. 89.

[2] Cf. *supra*, p. 121.

[3] Makalatija, "Iz starogo narodnogo byta plavov," SE, 1938, No. 1, p. 110.

[4] Erisov, *op. cit.*, p. 113.

[5] R. Bleichsteiner, "Roßweihe und Pferdeopfer im Totenkult der kaukasischen Völker," *Wiener Beiträge*, IV (1936), p. 414. "Daß in längst verflossenen Zeiten die Frau ihrem dahingegangenen Gatten als Opfer nachgesendet wurde, dafür gibt es im Totenritual der Kaukasusvölker eine Reihe beachtenswerter Anhaltspunkte."

[6] Translation from Abich, Klaproth, Beschreibung der russ. Provinzen, etc., p. 197.

[7] Gatiev, *op. cit.*, p. 3.

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has (or at least has had) the same significance among all North Caucasian mountain tribes, the explorers pass over the relation between birth and the fireplace without a single word. This may be a serious oversight.

§ 6. RESPECT OF CHILDREN FOR THEIR ELDERS

The NORTHWESTERNERS. The *adats* inform us that the children have a strict obligation of acknowledging the authority of their father. They must respect him and carry out all his commands. To disobey him or even to oppose his wishes would be, "according to customary law, the greatest abomination, and according to Islamic law, the greatest of sins."[68] This respect must continue even when old-age renders their parents helpless. When a joint-family is divided the sons must set aside a definite amount of property for the support of their parents and for their funeral.[69] The sons have the strict obligation of erecting a tombstone for their parents. The *adats* also demand that Rs. 300 should be set aside for an elaborate funeral feast. Formerly such feasts would often bring complete financial ruin to the family.[70] This great respect for parents is extended to elders in general, and especially to elder brothers.[71]

The NORTHEASTERN CAUCASIANS. The Lesghians show an unusually great respect for their parents.[72] If the children fail to care for their aged parents, they may be summoned before the *hâḍi*, who will force them to do so.[73] Some excellent examples of this deep respect can be found in the official criminological reports of Kaitago-Tabassaran. "On August 3, 1869, a native of the village of Myura, Kaitago-Tabassaran, Mahomet Omar, after having been scolded by his mother for laziness shot himself."[74] Or again, "On October 2, 1869, a native of the *aul* of Kulidzha, Kaitago-Tabassaran, Ali-bek Salig, quarreled with his son, Murtuzali. After some time his son returned to his father and begged forgiveness. His father, however, refused to listen to his son's repentent words, coldly showing him the door and telling him never to return again. On hearing these words, Murtuzali took out his pistol and shot himself. His father, on seeing that he was the cause of his son's grief and death, took his own life by falling on his *kinjal*."[75]

The reports concerning the Avars being contradictory demand special attention. Some claim that the Avars have just as much respect for their elders as do the other Lesghians. If a son is unable to fulfill the wishes of his father,

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[68] Leontovič, II, p. 250, § 134.

[69] Ladyzenskij, FT, p. 206.

[70] Ladyzenskij, FT, p. 208.

[71] Dubrovin, *Istorija*, I, i, p. 169.

[72] Dubrovin, *Istorija*, I, i, p. 441 is certainly exaggerating when he says that the Chechens "deny their mothers even the respect Nature has implanted in the hearts of all men." This very sentence has been copied and re-copied from the *adat* collections by a number of pre-Soviet authors without inquiring into the reliability of the report. Světin, *op. cit.*, pp. 61 f, regarding Lesghians.

[73] Kovalevskij, *Zakon*, II, p. 203. For details regarding the kind of support demanded by the *hâḍi* in Dargwa, see Kovalevskij, *op. cit.*, pp. 203 f.

[74] "Iz gorskoj kriminalistiki," SSKG, III (1870), p. 7.

[75] "Iz gorskoj kriminalistiki," p. 8.

888 593 [162] he may become so disheartened that he may even commit suicide as a result.[76] L'vov, on the contrary, says that once the parents become old, they are no longer respected. In fact, their sons and daughters become very disrespectful, even refusing to sit at the same table with them. The aged mother must suffer from this ingratitude most of all.[77] The correct explanation for the attitude of the Avars toward their aged parents is that as long as the children are still economically and administratively subject to the father of the household, whether the sons have their own families or not, they have unusually great respect for them; but as soon as the joint-family breaks up, this respect diminishes to an astounding degree.

The neighbouring mountain tribes of GEORGIA show great deference toward their elders too.[78]

The OSSETES have an adage which clearly conveys their attitude toward elders. As Kovalevskij's translation has it, "*Que le taureau boive de l'eau, disent-ils, et que le veau lèche la glace.*" In other words, the Ossete is convinced that "the best morsels are always for the elders."[79]

The great reverence shown toward the father of the family (individual or joint-family) throughout the North Caucasus is to be expected, for the mountaineers are (or have been) strictly patriarchal. Moreover, being family-worshippers, they revere not only their departed (ancestors) but also their living parents, for to both the family owes its existence. Mohammedanism too has encouraged love and respect for one's mother, and not without success. There is a beautiful story told of the Caucasian prophet, Shamyl. The Chechens had been fighting desperately against the "infidels." To continue the battle was futile. They therefore sent a messenger to Shamyl, asking permission to capitulate, but Shamyl answered, "It is not lawful for the children of Allah to compromise with the infidels." The Chechens realized that to continue would mean complete annihilation. Nevertheless, the Chechens continued to fight, bleed, and die. They again appealed to Shamyl, but in vain, for "Allah's words are unchangeable." Realizing that Shamyl never had refused his mother any request, they turned to her. When she approached her son, Shamyl at first listened, then grew pale and speechless. Allah demands that a son should never refuse his mother anything, but on the other hand, He says, "Compromise not with the infidels. Whoever dares to suggest such a perfidious thing shall receive 40 strokes." Shamyl loved his mother and he loved Allah's precepts. Should he now condemn his mother to 40 strokes? He was greatly perplexed. For three days and three nights he prayed and fasted in the hope that Allah would come to his assistance and enlighten him. When he finally came out of the mosque, pale and feeble, he said slowly, "Allah has spoken. His words are unchangeable. The Chechens must continue to fight to the last man; I must

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[76] Hahn, "Putešestvie v Kachetiju i Dagestan (letom 1898 goda), SMOMPK, XXXI (1902), No. 2, p. 94.

[77] "Domašnjaja i semejnaja žizn Dagestanskich gorcev Avarskago plemeni," SSKG, III (1870), pp. 17 f.

[78] For example, the Khevsurs (Cf. Hahn, *Bilder aus dem Kaukasus*, p. 81).

[79] Kovalevskij, *Coutume contemp.*, p. 192, *note* 2.